

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 654 of 1995

in

SPECIAL CIVIL APPLICATION No 1783 of 1983

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE G.D.KAMAT and  
MR.JUSTICE C.K.THAKKER

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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KANJIBHAI M PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR PM THAKKAR for Petitioners  
SERVED for Respondent No. 2

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CORAM : THE CHIEF JUSTICE G.D.KAMAT and  
MR.JUSTICE C.K.THAKKER

Date of decision: 12/08/96

ORAL JUDGEMENT

Admit. By consent to be heard this LPA forthwith.

The appellant had challenged the order of the State Government before the learned Single Judge in Special Civil Application No.1783 of 1983. The learned Single Judge by the impugned order dt. 6th August 1993 rejected the Special Civil Application on the ground that the decision of the Supreme Court in S.Vasudev v. State of Karnataka, 1993(1) GLH 930, squarely applies to the case and, therefore, summarily rejected the petition. The learned Single Judge further observed that other contentions which were raised in the petition need not be gone into.

We are now shown the judgment of the Apex Court reported in T.R.Thandur vs. Union of India, 1996(1) GLH 771 by which the decision in S.Vasudev v. State of Karnataka (supra) has been overruled. Needless to say that in view of the decision in S.Vasudev (supra) is no longer a good law, Special Civil Application No.1783/83 is required to be considered. In this view of the matter, the appeal succeeds and the impugned order dt. August 6, 1993 is set aside and the matter is remanded to the learned Single Judge to dispose of the same in accordance with law. Since the matter was admitted long ago and otherwise disposed of by the impugned judgment, the matter requires expeditious disposal. We do hope that the learned Single Judge will make every attempt to expeditiously dispose of the Special Civil Application.

Appeal allowed with no order as to costs.

Dt. 12.8.1996. (G.D.KAMAT C.J.)

(C.K.THAKKER J)